

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashkenazi et al. Serial No.: 09/918,585 Filed: July 30, 2001 For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	Group Art Unit: 1647 Examiner: Not yet assigned
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**DECLARATION OF MARK T. KRESNAK REGARDING THE REFUSAL OF INVENTOR
NICHOLAS F. PAONI TO SIGN DOCUMENTS UNDER MPEP §§ 151 AND 409.03(d)**

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

Sir:

I, MARK T. KRESNAK, hereby declare as follows:

1. I am a patent attorney employed by the assignee of the above captioned patent application (and all continuations, divisionals and continuation-in-part applications thereof), Genentech, Inc., 1 DNA Way, South San Francisco, California 94080.

2. I have a power of attorney in the above captioned patent application (and all continuations, divisionals and continuation-in-part applications thereof) and am authorized to sign documents related to the prosecution of these patent applications on behalf of the assignee, Genentech, Inc.

3. In response to U.S. Patent Office notices requiring the submission by Applicants of a Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 in the above captioned patent application and/or certain other related patent applications, I prepared such a Property Rights Statement and forwarded copies thereof to each of the inventors of the above captioned patent application (and all continuations, divisionals and continuation-in-part application thereof) for execution.

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4. One of the inventors to whom this statement was forwarded is Nicholas F. Paoni. The statement was sent to Mr. Paoni at his current address which is 51365 Amesbury Way, Granger, Indiana 46530.

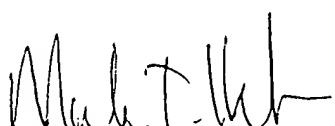
5. Nicholas F. Paoni was named as an inventor in the above captioned patent application (and all continuations, divisionals and continuation-in-part application thereof) based upon work he performed while employed by the current assignee, Genentech, Inc. Mr. Paoni's employment with Genentech, Inc. was terminated on September 19, 2001 and he is no longer employed by Genentech, Inc.

6. Since Mr. Paoni's employment with Genentech, Inc. was terminated, Mr. Paoni has expressed to me an unwillingness to sign any documents related to the prosecution of Genentech, Inc. patent application on which he is a named inventor.

7. Based upon this unwillingness to sign documents related to Genentech, Inc. patent applications on which he is a named inventor, Mr. Paoni has refused to execute the Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 referenced above. As such, the Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 submitted herewith is executed by all of the named joint inventors except for Nicholas F. Paoni.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10-8-02

Signed: 
Mark T. Kresnak, Ph.D.
Section Patent Counsel
Genentech, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashkenazi et al. Serial No.: 09/918,585 Filed: July 30, 2001 For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	Group Art Unit: 1647 Examiner: Not yet assigned
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PROPERTY RIGHTS STATEMENT TO DOE AND/OR NASA (42 U.S.C. §§ 2182 and 2457) -
INVENTORS EMPLOYED BY AN ORGANIZATION

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

Sir:

We, as joint inventors named in the above captioned patent application and the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A, hereby declare with respect to the invention(s) described and claimed in the above captioned patent application and in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A that:

1. We made and conceived (a) the invention described and claimed in the above captioned U.S. patent application Serial No. 09/918,585 filed in the United States of America on July 30, 2001 and entitled "Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same" and (b) the invention(s) described and claimed in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A (henceforth the "Inventions");

2. We made and conceived these Inventions while employed by Genentech, Inc., 1 DNA Way, South San Francisco, California, 94080;

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3. These invention(s) are related to the work we are employed to perform (or were employed to perform, if no longer employed by Genentech, Inc.) and were made within the scope of our employment duties; that these inventions were made during working hours and with the use of facilities, equipment, materials, funds, information and services of Genentech, Inc.;

4. To the best of our knowledge and belief, these Inventions were not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy;

5. To the best of our knowledge and belief, these Inventions were not made (conceived or first actually reduced to practice) under, nor is there any relationship of these Inventions to the performance of any work under any contract of the National Aeronautics and Space Administration;

6. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor

Avi Ashkenazi
1456 Tarrytown Street, San Mateo, CA 94402

Citizenship: US

Inventor's signature: Avi Ashkenazi Date: 9/5/02

Full name of second joint inventor

Kevin P. Baker
14006 Indian Run Drive, Darnestown, MD 20878

Citizenship: GB

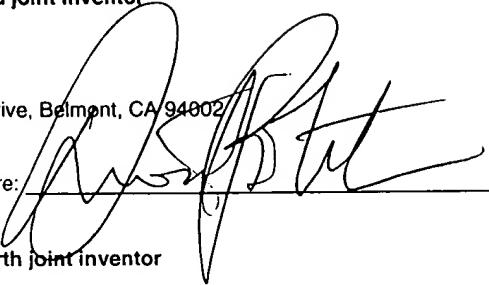
Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of third joint inventor

David Botstein
2539 Somerset Drive, Belmont, CA 94002
Citizenship: US

Inventor's signature: 

Date: 9-4-02

Full name of fourth joint inventor

Luc Desnoyers
2050 Stockton Street, San Francisco, CA 94133
Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of fifth joint inventor

Dan L. Eaton
45 Inverness Drive, San Rafael, CA 94901
Citizenship: US

Inventor's signature: _____ Date: _____

Full name of sixth joint inventor

Napoleone Ferrara
2090 Pacific Avenue #704, San Francisco, CA 94109
Citizenship: US

Inventor's signature: _____ Date: _____

Full name of seventh joint inventor

Ellen Filvaroff
538 18th Avenue, San Francisco, CA 94121
Citizenship: US

Inventor's signature: _____ Date: _____

Full name of eighth joint inventor

Sherman Fong
19 Basinside Way, Alameda, CA 94502
Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of third joint inventor

David Botstein
2539 Somerset Drive, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of fourth joint inventor

Luc Desnoyers
2050 Stockton Street, San Francisco, CA 94133

Citizenship: CA

Inventor's signature:  Date: 09.19.2002

Full name of fifth joint inventor

Dan L. Eaton
45 Inverness Drive, San Rafael, CA 94901

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of sixth joint inventor

Napoleone Ferrara
2090 Pacific Avenue #704, San Francisco, CA 94109

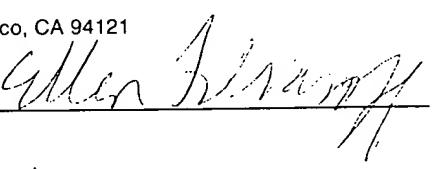
Citizenship: US

Inventor's signature:  Date: 9-5-02

Full name of seventh joint inventor

Ellen Filvaroff
538 18th Avenue, San Francisco, CA 94121

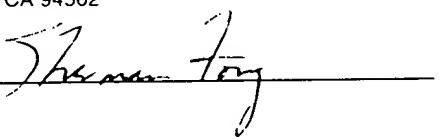
Citizenship: US

Inventor's signature:  Date: 9.19.02

Full name of eighth joint inventor

Sherman Fong
19 Basinside Way, Alameda, CA 94502

Citizenship: US

Inventor's signature:  Date: 9.23.02

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of third joint inventor

David Botstein

2539 Somerset Drive, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of fourth joint inventor

Luc Desnoyers

2050 Stockton Street, San Francisco, CA 94133

Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of fifth joint inventor

Dan L. Eaton

45 Inverness Drive, San Rafael, CA 94901

Citizenship: US

Inventor's signature: Dan Eaton Date: 9-5-01

Full name of sixth joint inventor

Napoleone Ferrara

2090 Pacific Avenue #704, San Francisco, CA 94109

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of seventh joint inventor

Ellen Filvaroff

538 18th Avenue, San Francisco, CA 94121

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of eighth joint inventor

Sherman Fong

19 Basinside Way, Alameda, CA 94502

Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

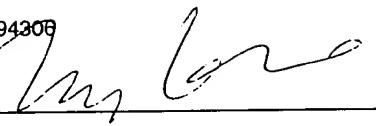
Filed: July 30, 2001

Full name of ninth joint inventor

Wei-Qiang Gao

3025 South Court, Palo Alto, CA 94306

Citizenship: ~~CA~~ US

Inventor's signature: 

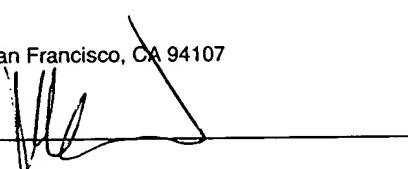
Date: 9-19-2007

Full name of tenth joint inventor

Hanspeter Gerber

1121 Tennessee Street #5, San Francisco, CA 94107

Citizenship: CH

Inventor's signature: 

Date: 9-14-2002

Full name of eleventh joint inventor

Mary E. Gerritsen

541 Parrott Drive, San Mateo, CA 94402

Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of twelfth joint inventor

Audrey Goddard

110 Congo Street, San Francisco, CA 94131

Citizenship: CA

Inventor's signature: _____

Date: _____

Full name of thirteenth joint inventor

Paul J. Godowski

25 Orange Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: 

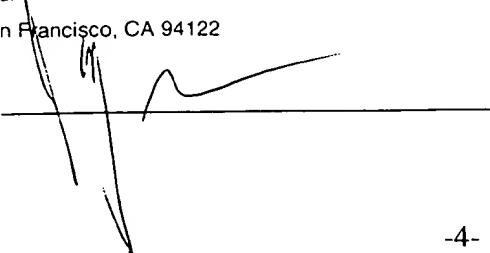
Date: 1/20/02

Full name of fourteenth joint inventor

J. Christopher Grimaldi

1434 36th Avenue, San Francisco, CA 94122

Citizenship: US

Inventor's signature: 

Date: 11/20/02

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of ninth joint inventor

Wei-Qiang Gao

3025 South Court, Palo Alto, CA 94306

Citizenship: CN

Inventor's signature: _____ Date: _____

Full name of tenth joint inventor

Hanspeter Gerber

1121 Tennessee Street #5, San Francisco, CA 94107

Citizenship: CH

Inventor's signature: _____ Date: _____

Full name of eleventh joint inventor

Mary E. Gerritsen

541 Parrott Drive, San Mateo, CA 94402

Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of twelfth joint inventor

Audrey Goddard

110 Congo Street, San Francisco, CA 94131

Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of thirteenth joint inventor

Paul J. Godowski

25 Orange Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of fourteenth joint inventor

J. Christopher Grimaldi

1434 36th Avenue, San Francisco, CA 94122

Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of ninth joint inventor

Wei-Qiang Gao
3025 South Court, Palo Alto, CA 94306

Citizenship: CN

Inventor's signature: _____ Date: _____

Full name of tenth joint inventor

Hanspeter Gerber
1121 Tennessee Street #5, San Francisco, CA 94107

Citizenship: CH

Inventor's signature: _____ Date: _____

Full name of eleventh joint inventor

Mary E. Gerritsen
541 Parrott Drive, San Mateo, CA 94402

Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of twelfth joint inventor

Audrey Goddard
110 Congo Street, San Francisco, CA 94131

Citizenship: CA

Inventor's signature: Audrey Goddard Date: Sept. 4, 2002

Full name of thirteenth joint inventor

Paul J. Godowski
25 Orange Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of fourteenth joint inventor

J. Christopher Grimaldi
1434 36th Avenue, San Francisco, CA 94122

Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: 

Date:

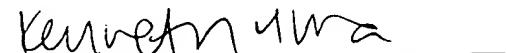
9/18/01

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: 

Date:

9/23/01

Full name of seventeenth joint inventor

Ivar J. Kljavin

811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

Sophia S. Kuo

59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of nineteenth joint inventor

Mary A. Napier

1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twentieth joint inventor

James Pan

14 Tewslay Place, Zitobicke, ONT M9P 1N7

Citizenship: CA

Inventor's signature: _____

Date: _____

Serial No.: 09/918,585

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Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

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Inventor's signature: _____ Date: _____

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: _____ Date: _____

Full name of seventeenth joint inventor

Ivar J. Kljavin

811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____

Date: 07-12-02

Full name of eighteenth joint inventor

Sophia S. Kuo

59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of nineteenth joint inventor

Mary A. Napier

1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twentieth joint inventor

James Pan

14 Tewesley Place, Zitobicoke, ONT M9P 1N7

Citizenship: CA

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: _____ Date: _____

Full name of seventeenth joint inventor

Ivar J. Kljavin

811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of eighteenth joint inventor

Sophia S. Kuo

59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: Sophia S. Kuo Date: 12 Sept 2002

Full name of nineteenth joint inventor

Mary A. Napier

1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twentieth joint inventor

James Pan

14 Tewsey Place, Zitobicoke, ONT M9P 1N7

Citizenship: CA

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney

1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of sixteenth joint inventor

Kenneth J. Hillan

64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: _____ Date: _____

Full name of seventeenth joint inventor

Ivar J. Klavin

811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of eighteenth joint inventor

Sophia S. Kuo

59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of nineteenth joint inventor

Mary A. Napier

1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: Mary A. Napier

Date: Sept 6, 2002

Full name of twentieth joint inventor

James Pan

14 Tewesley Place, Zitobicoke, ONT M9P 1N7

Citizenship: CA

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of fifteenth joint inventor

Austin L. Gurney
1 Debbie Lane, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of sixteenth joint inventor

Kenneth J. Hillan
64 Seward Street, San Francisco, CA 94114

Citizenship: GB

Inventor's signature: _____ Date: _____

Full name of seventeenth joint inventor

Ivar J. Kljavin
811 Dell Road, Pacifica, CA 94044

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of eighteenth joint inventor

Sophia S. Kuo
59 Surrey Street #3, San Francisco, CA 94131

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of nineteenth joint inventor

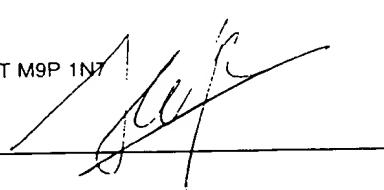
Mary A. Napier
1015 Hayne Road, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twentieth joint inventor

James Pan
14 Tewesley Place, Zitobicoke, ONT M9P 1N7
Citizenship: CA
Inventor's signature: _____



Sept 6/02
Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

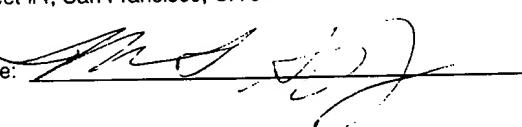
Inventor's signature: _____ Date: _____

Full name of twenty-second joint inventor

Margaret Ann Roy

2960 Webster Street #4, San Francisco, CA 94123

Citizenship: US

Inventor's signature:  Date: 10 Sept 2022

Full name of twenty-third joint inventor

David L. Shelton

5845 Clover Drive, Oakland, CA 94618

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-fourth joint inventor

Timothy A. Stewart

465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-second joint inventor

Margaret Ann Roy

2960 Webster Street #4, San Francisco, CA 94123

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-third joint inventor

David L. Shelton

5845 Clover Drive, Oakland, CA 94618

Citizenship: US

Inventor's signature: _____

Date: 7-16-02

Full name of twenty-fourth joint inventor

Timothy A. Stewart

465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____ Date: _____

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Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-second joint inventor

Margaret Ann Roy

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Inventor's signature: _____ Date: _____

Full name of twenty-third joint inventor

David L. Shelton

5845 Clover Drive, Oakland, CA 94618

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-fourth joint inventor

Timothy A. Stewart

465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____ Date: _____ *9/20/01*

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____ Date: _____

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Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-second joint inventor

Margaret Ann Roy

2960 Webster Street #4, San Francisco, CA 94123

Citizenship: US

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Full name of twenty-third joint inventor

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5845 Clover Drive, Oakland, CA 94618

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Full name of twenty-fourth joint inventor

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465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____ Date: _____

Daniel Tumas 9/4/01

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/918,585

Filed: July 30, 2001

Full name of twenty-first joint inventor

Nicholas F. Paoni

51365 Amesbury Way, Granger, IN 46530

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-second joint inventor

Margaret Ann Roy

2960 Webster Street #4, San Francisco, CA 94123

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-third joint inventor

David L. Shelton

5845 Clover Drive, Oakland, CA 94618

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-fourth joint inventor

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465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-fifth joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-sixth joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____ Date: _____



Serial No.: 09/918,585

Filed: July 30, 2001

Full name of twenty-seventh joint inventor

William I. Wood

35 Southdown Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: William I. Wood

Date: 7/30/01

APPENDIX A

Application No.	Application Date	File No
09/978194	15Oct2001	P2630P1C10
09/978295	15Oct2001	P2630P1C11
09/981915	16Oct2001	P2630P1C12
09/978544	16Oct2001	P2630P1C13
09/978824	16Oct2001	P2630P1C14
09/978585	16Oct2001	P2630P1C15
09/978643	16Oct2001	P2630P1C16
09/978403	16Oct2001	P2630P1C17
09/978681	16Oct2001	P2630P1C18
09/978665	16Oct2001	P2630P1C19
09/978298	15Oct2001	P2630P1C2
09/978802	16Oct2001	P2630P1C20
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09/978608	16Oct2001	P2630P1C22
09/978912	16Oct2001	P2630P1C23
09/978375	16Oct2001	P2630P1C24
09/978564	16Oct2001	P2630P1C25
09/978757	16Oct2001	P2630P1C26
09/978697	16Oct2001	P2630P1C27
10/164829	19Oct2001	P2630P1C28
10/165038	19Oct2001	P2630P1C29
09/978299	15Oct2001	P2630P1C3
10/172039	19Oct2001	P2630P1C30
10/145089	19Oct2001	P2630P1C31
10/145017	19Oct2001	P2630P1C32
10/143030	19Oct2001	P2630P1C33
10/167719	19Oct2001	P2630P1C34
10/167600	19Oct2001	P2630P1C35
10/164929	19Oct2001	P2630P1C36
10/143028	19Oct2001	P2630P1C37
10/165036	19Oct2001	P2630P1C38
10/143031	19Oct2001	P2630P1C39
09/978191	15Oct2001	P2630P1C4
10/165353	19Oct2001	P2630P1C40
10/165247	19Oct2001	P2630P1C41
10/165067	19Oct2001	P2630P1C42
10/164728	19Oct2001	P2630P1C43
10/145124	19Oct2001	P2630P1C44
10/145092	18Oct2001	P2630P1C45
10/145128	19Oct2001	P2630P1C46
10/145087	18Oct2001	P2630P1C47
10/145093	18Oct2001	P2630P1C48
10/145088	18Oct2001	P2630P1C49
09/978187	15Oct2001	P2630P1C5
10/152388	18Oct2001	P2630P1C50
10/145129	18Oct2001	P2630P1C51
10/145016	18Oct2001	P2630P1C52
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APPENDIX A

Application No.	Application Date	File No
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10/164749	19Oct2001	P2630P1C60
09/999829	24Oct2001	P2630P1C61
10/017191	24Oct2001	P2630P1C62
09/999832	24Oct2001	P2630P1C63
10/017086	24Oct2001	P2630P1C64
09/999833	24Oct2001	P2630P1C65
10/017084	24Oct2001	P2630P1C66
10/017083	24Oct2001	P2630P1C67
09/999831	24Oct2001	P2630P1C68
10/017081	24Oct2001	P2630P1C69
09/978189	15Oct2001	P2630P1C7
09/999830	24Oct2001	P2630P1C70
10/017082	24Oct2001	P2630P1C71
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10/017085	24Oct2001	P2630P1C73
10/020445	24Oct2001	P2630P1C74
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10/013924	25Oct2001	P2630P1C76
10/013918	25Oct2001	P2630P1C77
10/013920	25Oct2001	P2630P1C78
10/013916	25Oct2001	P2630P1C79
09/978188	15Oct2001	P2630P1C8
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10/013922	21Oct2001	P2630P1C81
10/013917	25Oct2001	P2630P1C82
10/013925	25Oct2001	P2630P1C83
10/013921	25Oct2001	P2630P1C84
10/013919	25Oct2001	P2630P1C85
10/013928	25Oct2001	P2630P1C86
10/013923	25Oct2001	P2630P1C87
10/013927	25Oct2001	P2630P1C88
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